HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 25990 of 2007

06.12.2007

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Between:

K.S.R.T.C (North-East) Karnataka Road
Transport Corporation, rep. by
Divisional Controller, Bidar, Karnataka State

… Petitioner

AND

Dy. Transport Commissioner & Secretary,
RTA., Medak at Sangareddy & another

… Respondents

Counsel for the petitioner : Sri P. Rajagopalachari

Counsel for the respondents : Assistant Government Pleader for Transport.

O R D E R:

This writ petition is filed for a writ of mandamus to declare the action of respondent No.2 in seizing the petitioner's vehicle bearing No. KA 38/F 265 under check report No. 2927535 dated 13.11.2007 as illegal and arbitrary. The petitioner has also sought for a consequential direction to the respondents to release the said vehicle forthwith.

A perusal of the record shows that on 13.11.2007, the vehicle belonging to the petitioner bearing the above mentioned registration number was seized by respondent No.2 on the ground that counter signature of permit to ply in State of Andhra Pradesh was not produced. It was also mentioned in the check report that the said

vehicle was involved in an accident on 09.11.2007 and a criminal case under Section 304-A I.P.C. on the file of Hadnur Police Station was registered.

At the hearing, learned Assistant Government Pleader for Transport produced copy of letter dated 05.12.2007 sent by respondent No.1 to the Government Pleader for Transport wherein it was mentioned that no application/documents of the vehicle have been filed in his office for releasing the vehicle.

The petitioner is entitled to approach respondent No.1 under Rule 448-B of the Motor Vehicles Rules, 1989. Since the petitioner approached this Court without exhausting the said remedy, I am not inclined to entertain this writ petition.

In view of the above, the writ petition is disposed of directing that as and when the petitioner makes an application to respondent No.1 for release of the vehicle, the latter shall consider and dispose of the same within three days thereafter.

As a sequel to disposal of the writ petition, W.P.M.P.No. 33906 of 2007 filed by the petitioner for interim relief is disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

06.12.2007
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